THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25310 of 2006
29.12.2006

Between:

Panchayat Raj Teachers Colony Development Society

(Phases: I & II), Sagar Road, Saroornagar Mandal,

L.B.Nagar Municipality, Ranga Reddy District, represented by its

President Sri D.Ganesh

… Petitioner

AND

The Sub-Registrar, Champapet, Ranga Reddy District

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25310 of 2006

ORDER:

Panchayat Raj Teachers Colony Development Society filed the instant writ petition assailing memo dated 13.11.2006 issued by the first respondent wherein the petitioner was informed that there is no provision in the Registration Act, 1908 (the Act, for brevity) to stop registrations unless there is a specific order from the Court of law.

It is the case of the petitioner that the petitioner society was formed with teachers, who were dissatisfied with the functioning of the second respondent society, under the A.P. Societies Registration Act, 2001. The petitioner alleged in their representation dated 13.11.2006 made to the first respondent that respondents 3 and 4, who are at the helms of the affairs of the second respondent society, in collusion with real estate brokers allegedly interpolated the layout approved by the Hyderabad Urban Development Authority (HUDA) converting the land/ areas earmarked as public place/common place and, therefore, requested the first respondent to stop registrations.

When the matter was initially listed on 06.12.2006 notice was ordered to respondents 2 to 4. After receiving notice, they appeared and filed counter affidavit sworn to by the third respondent. In the counter affidavit, the allegation that the contesting respondents colluded with real estate brokers and interpolated HUDA layout and the allegation that they sold away open place/public place under road areas as plots are denied. An assertion is made that no part of the land meant for road and earmarked for open places is encroached upon or registered in favour of the members of second respondent society or third parties.

Learned Counsel for the petitioner, however, disputes the counter averments. He submits that the petitioner herein has already lodged a complaint with L.B.Nagar Municipality and other officials. If these representations are considered by those authorities, there cannot be any objection. However, this Court observes that as per A.P. Municipalities (Layout) Rules, 1970 (Layout Rules, for short), the areas/land in a layout earmarked as public place/road/park/playground cannot be converted for residential houses or used for purpose other than the purpose for which it is earmarked in the approved layout. (See **Sri Ramakrishna Educational Society v Chairman, Nandyal Municipality** and **NGOs Colony Development Committee v District Collector, Krishna, Machilipatnam**). Insofar as the impugned order passed by the first respondent is concerned unless and until there are valid reasons, the Registering Authority has no competence or jurisdiction to refuse registration nor such a direction can be issued in a writ petition. This is also well settled by reason of the decision of this Court in **Property Association of Baptist Churches v Sub-Registrar, Jangaon, Warangal**.

The writ petition is misconceived and is accordingly dismissed. No costs.

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December 29, 2006. (**V.V.S.RAO,J**)

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